



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# PUBLIC HEALTH REPORTS

---

VOL. 30

OCTOBER 8, 1915

No. 41

---

## **"PATENT" MEDICINES.**

### **CONVICTION FOR MISBRANDING AND FALSE STATEMENTS REGARDING CURATIVE PROPERTIES.**

The United States District Court for the Eastern District of Pennsylvania (see p. 3037 of this issue of the Public Health Reports) has decided that the Sherley amendment to the United States food and drugs act is constitutional. This amendment makes it unlawful to print on the package or label of any drug false and fraudulent statements regarding its curative or therapeutic effects.

The defendant was charged with misbranding a proprietary medicine which was sold under the name of "Bad-Em Salz," and with making false and fraudulent statements as to the curative properties of the remedy. The defense denied that the remedy was misbranded or that the label was calculated to mislead purchasers as to the composition or ingredients of the drug. It was also asserted that the statements relative to the curative properties of the drug were honestly made, that they were expressions of opinion, and that the defendant could not be convicted of crime merely because an opinion was expressed regarding the effects of the drug which differed from that of most physicians.

The court held that the two questions (1) whether the name and label were such as to mislead purchasers respecting the composition of the drug, and (2) whether the statements regarding the curative properties of the drug were false and fraudulent, were both questions of fact which it was the duty of the jury to decide. The jury having decided both questions in the affirmative the conviction of the defendant was sustained.